

### REMARKS

The Examiner rejected claims 1-4, 6-16, 18-22, and 24-42 under 35 U.S.C. §112, first paragraph, arguing failure to comply with the written description requirement. Specifically, the Examiner pointed out that the claims, as amended, read “cedar leaf oil comprising from about 6% to about 10% by weight” while paragraph [0021] of the original specification states “the cedar leaf oil may comprise from about 8% to about 10% of the total weight of the solution”.

The Examiner is correct in that the original specification, paragraph [0021] read “from about 8% to about 10%.” Applicant respectfully contends that this was a typographical error made by the Applicant during the preparation of the original application, in that the specification contained “8%” instead of “5%”, as was intended.

However, Applicant disclosed that the amount of cedar leaf oil may be between 5% and 10% in the original claims. Specifically, original claim 1, as provided with the original application, read as follows:

1. A solution for the topical treatment of skin sores comprising:  
  
cedar leaf oil comprising from about 5% to about 10% by weight;  
  
zinc oxide ointment comprising from about 5% to about 10% by weight;  
  
calamine lotion comprising from about 2% to about 10% by weight; and  
  
an ointment base. (emphasis added)

Given that the claims are considered part of the original disclosure, Applicant respectfully requests that the Examiner withdraw her rejection under 35 USC §112, first paragraph, and allow the amendment to paragraph [0021] of the Specification in order to correct the typographical error described above.

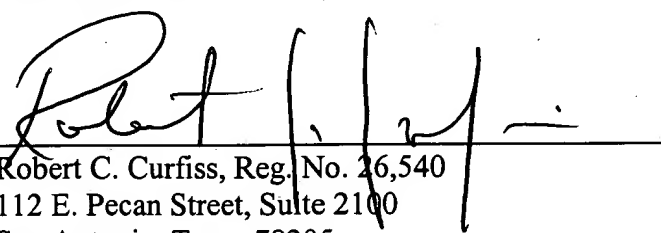
The Examiner also requested cancellation of either claim 17 or claim 23, arguing that they were duplicate claims. In response, Applicant has cancelled claim 23 herein.

The Examiner chose to continue her rejection of claims 1 through 42 under 35 U.S.C. §103(a) over Nesbit ('403) in view of Warren, et al. ('583). In response, Applicant has filed a Notice of Appeal so that the matter may be decided by the Board of Patent Appeals and Interferences.

Applicant respectfully requests that the above amendments be entered prior to appeal in that they conform to the requirements of 37 C.F.R. §1.116.

If the Examiner feels that a telephone conference with the undersigned would be helpful to the examination and allowance of this application, a telephone conference is respectfully requested.

Respectfully submitted,  
JACKSON WALKER L.L.P.



Robert C. Curfiss, Reg. No. 26,540  
112 E. Pecan Street, Suite 2100  
San Antonio, Texas 78205  
Phone: 713/752-4322  
Fax: 713/752-4221  
Attorneys for Applicant

CERTIFICATE OF MAILING

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited on the date shown below with the United States Postal Service, with sufficient postage as First Class Mail (37 CFR 1.8(a)), in an envelope addressed to Mail Stop Response/Fee, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Date: August 27, 2003

  
Angela B. Senneff